

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JASON DOLLARHIDE

Plaintiff,

V.

Case No. 22-cv-642-PRW

DENNIS DICKENS, Oklahoma Highway

Patrol, et al.,

Defendants.

**UNOPPOSED MOTION FOR LEAVE TO FILE  
RESPONSIVE PLEADING OUT OF TIME**

COMES NOW Defendant Vaughn Cannon, and hereby seeks leave from the Court to file his responsive pleading to Plaintiff's Complaint [Doc. 1] out of time. In support hereof, Defendant shows the Court the following:

1. Plaintiff filed his Complaint on August 2, 2022 alleging violations of Title 42 U.S.C. § 1983 and 18 U.S.C. § 2340 and seeking \$250,000,000.00 in damages. [Doc. 1]. Deputy Cannon is named as a defendant on page 3, but not mentioned again in the remainder of the lawsuit. *Id.*

2. The Complaint and Summons to Deputy Cannon was provided to the Cleveland County Sheriff's Office on or about January 24, 2023 and subsequently given to Deputy Cannon. [Doc. 19, p. 21-22].

3. Deputy Cannon did not understand that the document was a formal lawsuit as it was handwritten and did not provide any factual allegation against him in the body of

the Complaint. Additionally, Deputy Cannon did not understand the obligation to file a responsive pleading within the 21 days as stated on the summons.

4. The undersigned were retained as counsel for Defendant Cannon on February 28, 2023. Counsel promptly notified Plaintiff's counsel on March 1, 2023 of their representation and intent to file a request for leave to file the responsive pleading out of time. Counsel for Plaintiff advised he had no objection to Cannon seeking leave to file a responsive pleading out of time, but advised that Plaintiff intended to seek leave to file an amended complaint. Accordingly, counsel agreed it would be beneficial to await the filing of the anticipated Amended Complaint prior to Deputy Cannon filing a responsive pleading as the initial Complaint would be moot.

5. However, Plaintiff's Motion seeking leave to amend his Complaint was denied on March 7, 2023. [Doc. 25]. Accordingly, Defendant Cannon respectfully requests leave of Court to file his responsive pleading, to include arguments pursuant to Fed. R. Civ. P. 12(b), to the initial Complaint within seven (7) days of the Court's Order.

6. There is no Scheduling Order or trial date; therefore, the undersigned does not believe there would be any prejudice to Plaintiff or any other party should this request be granted.

7. The undersigned has conferred with all counsel and is authorized to advise the Court there is no objection to this request.

WHEREFORE, Defendant Deputy Vaughn Cannon respectfully requests this Court grant him leave to file a responsive pleading to the Plaintiff's Complaint within seven (7) days, together with such further relief as is just and practicable.

Respectfully submitted,

s/ Jessica L. Dark

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### **CERTIFICATE OF SERVICE**

I certify that on the 8<sup>th</sup> day of March, 2023, I electronically transmitted the foregoing document to the Clerk of Court using the ECF system for filing and the transmittal of a Notice of Electronic Filing to all counsel who have entered an appearance in this action.

s/ Jessica L. Dark

Jessica L. Dark